

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**Todd Kay
Facility ID #61899
Section 25, Poland Township
Buena Vista County, Iowa**

**ADMINISTRATIVE CONSENT ORDER
NO. 2007-AFO-09**

**TO: Todd Kay
2430 500th Street
Albert City, Iowa 50510**

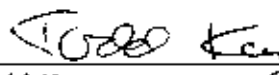
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c". You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by January 1, 2007. You were sent a notice of these requirements on November 14, 2006, and a Notice of Violation for delinquency on January 11, 2007. On February 5, 2007, a notice of referral was sent to you.

ORDER: You shall submit to Department Field Office #3 your complete MMP and fee within 30 days of the Director signing this Consent Order (Order). In addition, a penalty of \$3,000.00 shall be paid 30 days after the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$500.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,250.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,250.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent three notices of the requirement by the Department.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c".

APPEAL: This Order is entered into knowingly by and with the consent of Mr. Kay. For that reason, Mr. Kay waives the right to appeal this Order or any part thereof.

NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.



Todd Kay

Dated this 3/14 day of _____, 2007



Richard A. Leopold, DIRECTOR

Dated this 16 day of March, 2007

**IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319**

VIII. C.1; EPA, Carrie Schoenebaum, Ken Hleseni, Field Office 3

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